

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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### Ranking Member Jamie Raskin Committee on Oversight and Accountability

### Hearing on “Death by a Thousand Regulations: The Biden Administration’s Campaign to Bury America in Red Tape” June 14, 2023

Thank you, Mr. Chairman. Most Americans support government regulation across a wide range of industries, on everything from auto safety to food and drug inspections to alcohol and tobacco advertising and safe agriculture, but the public sees the process of crafting regulations as opaque and inscrutable. And often it is, which is why regulated industries and their lobbyists are so often able to capture the regulatory bodies that are supposed to be regulating them.

**The truth is that regulations have a profound effect on every aspect of our daily lives. Regulations affect the quality of the air we breathe and the safety of the food we eat and the water we drink. Regulations keep us safe at work and protect us against hazardous chemicals and asthma-causing air pollution. They influence the ways we travel and how we bank, and they help us ensure that the products we buy are safe for children and are reliable.**

**Some politicians like to say they are anti-regulation, but they’re pro-regulation when it comes to restricting our personal rights and freedoms.** Just take a look at what’s happening in Republican-controlled state legislatures and local governments across the country. Republicans in states like Florida, South Carolina, and Missouri are using government to regulate what kinds of health care you can access, what books you can read, which bathrooms you can use, the ways in which you vote, and what students learn in school about slavery, Jim Crow and racism. **Republicans are vehemently pro-regulation when it comes to advancing their own ideological agenda.**

It's true that the corporate-dominated Republican party today does not support railway safety regulation, anti-pollution rules, and occupational and mine safety regulations, but the modern regulatory state was created on a bipartisan basis. **The key difference between the parties in 2023 is that Democrats believe that government regulation must be used to serve the public interest and the common good of all.** Republicans want corporate CEO’s and industry lobbyists to take over the regulatory process, and they want to use regulation to control women’s bodies, screen the books you read, and take over our school curriculums.

Former President Trump used his rulemaking authority to deregulate industry for his own business friends, divide the public, roll back more than 100 critical environmental protections, and advance regulations to restrict access to health care, weaken non-discrimination rules, and undermine protections for students with federal loans, to name just a few. He also handed the regulatory process over to corporate special interests, essentially allowing corporations to run the agencies that should have been promoting public health and safety and protecting the environment.

**In contrast, the Biden-Harris Administration is using evidence-based common-sense regulations to protect Americans’ freedoms and ensure that corporate interests must act in the public good.** The so-

called “regulatory burdens” Republicans assail are rules in the public interest. They include rules to protect Americans against financially ruinous surprise medical bills and “junk fees” like exorbitant credit card late fees; a rule to make it easier for people to get hearing aids over-the-counter; a rule to ensure drinking water does not include chemicals that cause cancer; and a fuel efficiency rule projected to provide net benefits to the United States of up to \$1.6 trillion by 2055, including by improving public health and reducing climate change and its damaging effects.

The American people must pay attention to the methods used to create our regulatory rules. These methods, which are contained in the federal rulemaking process, had not been updated in decades, but **in April, President Biden issued an executive order to modernize them, strengthening democracy by further advancing the transparency, inclusivity, and effectiveness of federal regulations.**

**President Biden’s regulatory modernization plans promote both efficiency and fairness.** Well-funded and well-connected corporations and should no longer have outsized influence on federal regulations simply because they have the time and resources to bombard federal officials with input and meeting requests. The Biden changes require federal officials to proactively seek out the voices of those who are underrepresented in—but still critically affected by—the rulemaking process, including people with disabilities and people living in rural areas, as well as minority groups.

**President Biden’s regulatory modernization plans incorporate the interests of future generations.** Up to this point, agency cost-benefit analyses undervalued the benefits of regulation for our children and grandchildren. **The proposed changes should have bipartisan support because they use the same formula used by the George W. Bush Administration to ensure future generations receive the consideration they deserve.**

**President Biden’s regulatory modernization plans will allow us to better tackle national problems.** In 1981, the threshold for qualifying a Rule as “significant”—and therefore subject to more in-depth review—was set at an annual economic impact of \$100 million. However, the threshold was never raised to adjust for inflation in over 40 years. The new threshold of \$200 million allows officials to focus scarce resources on timely review of significant and substantiated rules.

**President Biden’s regulatory modernization plans will also better measure Americans’ actual lived experiences.** The proposed changes reflect the reality that the costs and benefits of a regulation affect different groups of people with different degrees of intensity.

Corporate interests that prioritize short-term profits over long-term public interest will likely oppose these changes and regulatory protections because they have a financial stake in the status quo. **But Democrats are committed to ensuring that everyone is fairly represented and considered, and that regulation always benefits the public as a whole.**

Regulations are a legal tool in democracy to serve the public good. Republicans want to dismantle certain government regulations or “red tape” to allow corporations and industry to regulate themselves—even when the public health and safety and the people’s environment are on the line. **Democrats are committed to ensuring that government protects and benefits the health and safety of the American people even while preserving the liberties and rights of the people.**

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